

THE STATE OF NEW HAMPSHIRE

COOS, SS.

SUPERIOR COURT

STATE OF NEW HAMPSHIRE

V.

DUSTIN DUREN

214-2024-CR-28

**DEFENDANT'S PROPOSED JURY INSTRUCTION RE: ENDANGERING THE
WELFARE OF A CHILD**

NOW COMES the defendant, Dustin Duren, by and through counsel, Hanna K. Kinne and Margaret A. Kettles, Esq., and proposes the following jury instruction in response to the State's proposed instruction:

Endangering the Welfare of a Child

The defendant is charged with Endangering the Welfare of a Child. The definition of Endangering the Welfare of a Child has three parts or elements. The State must prove each element beyond a reasonable doubt. Thus, the State must prove that:

1. The defendant owed a duty of care, protection or support to a child under 18, E.D.; and
2. The defendant purposely violated this duty of care, protection or support; and
3. By this conduct, the defendant knowingly endangered the welfare of E.D.

These are the elements of Endangering the Welfare of a Child. Certain words in the definition need to be defined.

Part of the definition of the crime of Endangering the Welfare of a Child requires the State to prove that the defendant acted knowingly. A person acts knowingly when he is aware of the nature of his conduct or the circumstance under which he acted. The state does not have to prove that the defendant specifically intended or desired a particular result. What the state must prove is that the defendant was aware of the nature of his conduct.

Part of the definition of the crime of Endangering the Welfare of a Child requires the State to prove that the defendant knowingly “endangered” the welfare of a child. “Endangerment” requires the State to prove that the defendant engaged in behavior creating an actual and significant risk of injury to the child's welfare. See In re: N.K., 169 N.H. 546, 551 (2016).

Part of the definition of the crime of Endangering the Welfare of a Child requires the State to prove that the defendant acted purposely. A person acts purposely when his conscious object is to engage in certain conduct. The State must prove that the defendant had the conscious object to engage in this conduct. The key words here are “conscious object”. To have a “conscious object” means to have a specific intent. It means that the defendant desired to engage in certain conduct.

It is not enough for the state to prove that the defendant knew or was aware of what he was doing. Nor is it enough for the state to prove that the defendant created a risk of injury or harm. To prove that the defendant acted purposely requires more than that. It requires proof that the defendant specifically intended or desired to do a particular act.

Respectfully submitted,

/s/ Hanna K. Kinne

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CERTIFICATE OF SERVICE:

I hereby certify that a copy of this Motion has been forwarded electronically to Attorney Bethany Durand of the Office of the Attorney General this 17th day of September, 2025.

/s/ Hanna K. Kinne

Hanna K. Kinne, Esq.